

REMARKS

Continued Examination

The applicant appreciates the Examiner indicating that the request for continued examination was properly filed.

Claim Rejections – 35 USC § 112

Claims 1-16 were rejected under the basis that “one skilled in the relevant art at the time the application was filed did not have possession of the claimed invention.” Specifically, “the nozzle body member having a first non-adjustable restricted orifice” is alleged not to be disclosed in the application as originally filed. Figure 2 shows one embodiment of this limitation as element 36. Element 36 is a non-adjustable restricted orifice . . . it can’t be adjusted in size. It has a fixed internal perimeter.

The applicant agrees with the Examiner that claim 6 lacked proper antecedent basis as originally provided. An amendment to that claim has been provided herewith to address the coaxial nature of the outlet and the first restricted orifice. Accordingly, claim 6 is now believed to have proper antecedent basis for substantive examination.

Claim Rejections Under 35 USC § 102

Hinchman has a sleeve **25** which cooperates with adjusting member **26**. As stated in Hinchman, “the sleeve **25** has its upper or outer portion slit longitudinally . . . The segments produced by the slits are contracted as the sleeve **25** is pushed outward and due to its inherent resiliency they will spring apart or expand as the sleeve is permitted to or actually is moved inward.” (Column 2, lines 39-47). It is this structure which is believed to regulate how much fluid passes through the sleeve **25** that affects the flow of gas through the welding torch as shown and described.

As affected by the enclosed amendment and as shown in the specification and drawings as originally filed, the applicant's claimed structure lacks a shank with longitudinal slits which expand and contract to provide an expanding and contracting (i.e., adjustable) orifice. In fact, the claims specifically disclaim such structure by providing a non-adjustable restricted orifice. Accordingly, this limitation cannot be met by Hinchman and is not suggested by the Hinchman reference since such a modification would make the Hinchman structure inoperable for its intended regulatory function.

Conclusion

Accordingly, Hinchman does not anticipate or render obvious the claimed invention. As affected by the enclosed amendment, the claimed structure performs very differently than that of the structure shown in Hinchman. Accordingly, allowance of claims 1-16 is respectfully requested.

Respectfully submitted,

Date: January 31, 2006

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